

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-328-T - ORDER NO. 2004-127  
MAY 12, 2004

IN RE:	Application of RSJC, Inc. d/b/a 1-800-Quik Muv, 2218 Magnolia Meadows Drive, Mt. Pleasant, SC 29464 for a Class E (HHG) Certificate of Public Convenience and Necessity	)	ORDER GRANTING CLASS E CERTIFICATE
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of RSJC, Inc. d/b/a 1-800-Quik Muv (“RSJC” or the “Applicant”), 2218 Magnolia Meadows Drive, Mt. Pleasant, SC 29464. This Application was initially received by the Commission as a request for authority to transport household goods by Rhett Horton d/b/a 1-800-Quik-Muv between points and places in South Carolina. The Application was subsequently amended in two respects, first, to change the name of the Applicant to RSJC, Inc. d/b/a 1-800-Quik-Muv and, second, to request a Class E Certificate of Public Convenience and Necessity to transport household goods as follows:

Household Goods, As Defined in R. 103-210(1):  
Between points and places in Charleston, Berkeley, and Dorchester  
Counties, South Carolina.

The Commission’s Executive Director instructed the initially named Applicant to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing was published in The (Charleston) Post and Courier, in the amended Application’s service area, and instructed the public as to how to file pleadings

to participate in the proceedings on the Application. Petitions to Intervene were received from the following protestants to the Application: Azalea Moving and Storage, Inc. (“Azalea”), CoMac, Inc. (“CoMac”), Albert H. Kohler d/b/a Kohler Moving and Storage (“Kohler”), Apartment Movers, Inc. (“AMI”), Dale J. Cook Moving & Storage, Inc. (“Cook”), and Atlantic Transfer & Storage, Inc. (“Atlantic”).

A hearing was held on February 11, 2004, at 2:30 PM in the offices of the Commission. The Honorable Mignon Clyburn, Chair, presided. Scott McNeish, Esquire, appeared representing the Applicant RSJC. L. Lowndes Pope, Esquire, appeared representing the Intervenors Kohler, Azalea, AMI, Cook, CoMac, and Atlantic. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented the testimony of L. George Parker, Jr., Manager of the Transportation Department.

Rhett Horton testified on behalf of the Applicant RSJC. Mr. Horton testified that he is a part owner and the CEO of RSJC. He further testified that he has a degree in marketing from the University of South Carolina and has numerous years of experience working in the shipping and receiving business. Mr. Horton stated that he had operated an unlicensed moving business named Mt. Pleasant Mini-Movers in the Charleston area. Upon being informed that household movers were regulated by this Commission, Mr. Horton ceased operations of that company and began to organize RSJC, Inc. Mr. Horton testified that RSJC is not currently operating while waiting approval of this Commission of this Application. Mr. Horton further provided extensive testimony regarding the RSJC business plan and provided the Commission with information concerning the population

and number of moves within the three county area in which RSJC is seeking authority. He additionally provided evidence of RSJC being fit, willing, and able to provide the services which it seeks authority to provide by evidencing the Company's incorporation, local business license, insurance, and equipment. Finally, Mr. Horton testified that RSJC's business plan is for the Company to provide short notice (within 24 hours), small moves within the counties of Dorchester, Berkeley, and Charleston and to also provide "Store to Door" delivery of items from businesses in the area which do not have their own delivery transportation. Mr. Horton provided a copy of the vehicle title and photos (Hearing Exhibits 1 and 2) of a 1999 GMC panel truck which the Applicant will use to serve its customers.

Ms. Sophie Horton also testified on behalf of the Applicant. Ms. Horton serves as the President of RSJC and works as the company bookkeeper and head of marketing and sales. Ms. Horton has a degree in Marketing from the University of South Carolina and has extensive experience in the field of marketing. Ms. Horton provided testimony to the Commission of her efforts to contact licensed movers (including the Intervenor) in the three county area in which RSJC seeks authority. Ms. Horton testified that all of the movers contacted indicated a wait of from 3 to 9 days before they could perform a small move of the type which the Applicant plans to offer its customers.

Finally, RSJC presented the testimony of Ms. Elizabeth Grant. Ms. Grant works as a Realtor in Mt. Pleasant. Ms. Grant testified that there is a need for additional moving services in the Charleston area; particularly a small mover offering the type of services which RSJC intends to offer.

Mr. Jay Cook, President of Azalea Moving and Storage, testified on behalf of the Intervenor. Witnesses were available and present at the hearing representing the other named Intervenor. All the parties agreed that testimony of these other witnesses would mirror and be repetitive of the testimony of Mr. Cook.

Azalea owns and operates 15 moving trucks and maintains its principle place of business in North Charleston, South Carolina. Mr. Cook testified that he does not currently have enough business to keep all of his 38 employees employed on a full time basis. He further testified that revenues for his company have remained flat since 2002. In summation, Mr. Cook stated that he believed that there were already sufficient, if not too many, movers licensed in the Charleston, Dorchester, and Berkeley County area.

L. George Parker, Manager of the Commission's Transportation Department, also testified. Parker noted that he visited the RSJC place of business and inspected the moving vehicle. Mr. Parker took pictures of Robertson's equipment and verified that the equipment, including the truck, were in good shape. Mr. Parker testified that based on his inspection that the Applicant appeared fit, willing, and able to move household goods.

S.C. Code Ann. 58-23-590(C )(Supp. 2003) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of the chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity. We would note that we have waived the "shipper witness" rule to show public convenience and necessity found in 26

S.C. Code Regs. 103-133 (Supp. 2003) for applicants seeking authority in three contiguous counties.<sup>1</sup> In the present case, the Applicant is seeking such limited authority. Despite the exception to the “shipper witness” rule, in the present case the Applicant did provide testimony from both Sophie Horton and Elizabeth Grant to establish the need for the services offered by the Applicant in the Charleston, Berkeley, and Dorchester County area of South Carolina. We find the evidence of the present state of public convenience and necessity provided by the Applicant to be credible.

In determining the issue of the present state of public convenience and necessity, we did consider the testimony of Jay Cook, President of Azalea. Mr. Cook testified that revenues for his company were “flat” for the past two years, and Mr. Cook opined that increased competition from the Applicant for local moves would endanger Azalea’s business. Mr. Cook further testified that as a result of business for Azalea being “down” that several Azalea employees were only working part time and were drawing partial unemployment.

While Mr. Cook’s testimony is relevant to these proceedings, we are aware of the case law on the issue of loss of revenues to other carriers. Loss of income was specifically addressed in Welch Moving and Storage v. S. C. Public Service Commission, 391 S.E.2d 556 (S.C. 1990). In the Welch case, the South Carolina Supreme Court

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<sup>1</sup> By Commission Order No. 1999-654, dated September 15, 1999, (Docket No. 1999-376-T), the Commission approved a waiver of the shipper witness requirement for those applicants seeking authority in three counties or less. In approving the waiver for these applicants seeking such a limited scope of authority, the Commission considered the difficulty faced by “small carrier” applicants in providing appropriate shipper witnesses. By Order No. 2000-024, dated January 5, 2000, (Docket No. 1999-376-T), the Commission clarified its decision from Order No. 1999-654, to specifically state that the waiver of the shipper witness requirement applied only to those applicants requesting authority to transport household goods between points and places in three, or less, contiguous counties.

addressed the issue of loss of income by certified carriers opposing an applicant seeking certification and stated that “[a]lthough the potential effect of additional competition should the Commission grant the application in this case is relevant, that potential detriment to income cannot in itself defeat an application for additional services. Welch Moving and Storage v. S. C. Public Service Commission, 391 S.E.2d 556 (S.C. 1990).

Based upon the record before the Commission and the statutory requirements, along with the guidelines contained in the Commission’s regulations, we find sufficient evidence to grant the Application and therefore grant to RSJC a Class E Certificate of Public Convenience and Necessity for the movement of household goods as follows:

Household Goods, As Defined in R. 103-210(1):  
Between points and places in Charleston, Berkeley, and  
Dorchester Counties, South Carolina.

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED:

1. That the Application of RJSC, Inc. d/b/a 1-800-Quik-Muv for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Charleston, Berkeley, and Dorchester Counties, South Carolina.

2. RJSC, Inc. d/b/a 1-800-Quick-Muv shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission’s Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-

400 through R.38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to RJSC, Inc. d/b/a 1-800-Quick-Muv authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized herein shall not be provided.

5. Failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Commission proof of appropriate insurance, and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Mignon L. Clyburn, Chairman

ATTEST:

/s/  
Bruce F. Duke, Executive Director

(SEAL)